

87th Legislative Session – 2012

Committee: House Judiciary

Friday, February 10, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Representative Roger Hunt.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 9, 2012.

Moved by: Boomgarden
Second by: Killer
Action: Prevailed by voice vote.

See previous testimony of HB 1249 on Thursday, February 9, 2012.

HB 1249: permit a probationer who is a registered sex offender to reside in an assigned halfway house or supervised living center within a community safety zone and to prohibit sex offenders who committed sexual offenses against children to qualify for certain residency exceptions.

MOTION: DEFER HB 1249 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1249

Moved by: Nelson (Stace)
Action: Ruled out of order by the Chair.

MOTION: CALL THE QUESTION

Moved by: Boomgarden
Second by: Gosch
Action: Prevailed by voice vote.

THE MOTION TO DEFER HB 1249 TO THE 41ST LEGISLATIVE DAY

Action: PREVAILED BY ROLL CALL VOTE. (7-6-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Turbiville, Gosch, Hunt

Voting No: Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow

Chair Representative Roger Hunt passed the gavel to Vice-Chair Representative Gosch.

HB 1193: regulate the sale of dextromethorphan and to provide a penalty thereto.

Presented by: Representative Roger Hunt
Proponents: Paul Cressman, Self, Brandon

MOTION: AMEND HB 1193

1193ra

On page 1, line 13, of the printed bill, before "fine" insert "civil".

On page 1, line 14, before "." insert "to be deposited in the state general fund".

On page 2, line 6, delete "criminal" and insert "civil".

Moved by: Hansen (Jon)
Second by: Nelson (Stace)
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1193 AS AMENDED

Moved by: Hunt
Second by: Hansen (Jon)
Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Abdallah, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Hunt

Voting No: Boomgarden, Feinstein, Gibson, Tornow, Turbiville, Gosch

Vice-Chair Representative Gosch returned the gavel to Chair Representative Roger Hunt.

HB 1264: amend the mandatory reporting requirements regarding child abuse.

Presented by: Representative Jacqueline Sly
Proponents: Matt Sargent, self, Rapid City
Hollie Strand, Self, Rapid City
Virgena Wieseler, Department of Social Services
Opponents: Brett Koenecke. SD State Medical Association

MOTION: DEFER HB 1264 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Hansen (Jon)
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Abdallah, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Boomgarden, Nelson (Stace)

HB 1160: provide for the award of filing fees as court costs in certain appeals.

Presented by: Representative Shawn Tornow

THE MOTION TO DO PASS HB 1160

Moved by: Boomgarden
Second by: Hansen (Jon)
Action: PREVAILED BY ROLL CALL VOTE. (10-0-3-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Hunt

Excused: Feinstein, Gibson, Gosch

MOTION: PLACE HB 1160 ON CONSENT CALENDAR

Moved by: Boomgarden
Second by: Turbiville.
Action: Failed.

HB 1251: provide for the award of joint physical custody of children under certain circumstances.

Presented by: Representative Bob Deelstra

MOTION: DEFER HB 1251 UNTIL MONDAY, FEBRUARY 13, 2012.

Moved by: Tornow
Second by: Nelson (Stace)
Action: Was not acted on.

MOTION: TO TABLE HB 1251

Moved by: Kopp
Action: Died for lack of a second.

Representative Hansen (Jon) questioned whether the Amendment 1251ra was germane to the title of the bill.

Chairman Representative Hunt ruled the Amendment was not germane to the title of the bill.

MOTION: TO TABLE HB 1251

Moved by: Turbiville
Second by: Gosch

Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Abdallah, Gibson, Hansen (Jon), Killer, Turbiville, Gosch, Hunt

Voting No: Boomgarden, Feinstein, Kopp, Nelson (Stace), Russell, Tornow

HB 1217: enact certain provisions relating to the federal Indian child Welfare Act and to adopt the South Dakota Indian Family Preservation Act.

Presented by: Representative Patricia Stricherz (Handouts: #1)

Proponents: Gwen Caldwell, Self, Black Hawk
Raven Del Mar, Self, Pierre

Opponents: Kim Malsam-Rysdon, Department of Social Services
Greg Sattizahn, Unified Judicial System
Paul Bachand, SD State's Attorneys Association
Betty Oldenkamp, Lutheran Social Services

MOTION: DEFER HB 1217 TO THE 41ST LEGISLATIVE DAY

Moved by: Russell

Second by: Kopp

Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Killer

Excused: Nelson (Stace)

THE CHAIR DEFERRED HB 1126 UNTIL MONDAY, FEBRUARY 13, 2012.

HB 1253: prohibit the judicial enforcement of any religious codes.

Presented by: Representative Roger Hunt

Proponents: Jim Seward, Office of the Governor

MOTION: DO PASS HB 1253

Moved by: Turbiville

Second by: Kopp

Action: Was not acted on.

MOTION: CALL THE QUESTION

Moved by: Abdallah
Action: Died for lack of a second.

MOTION: SUBSTITUTE MOTION AMEND HB 1253

1253rb

On page 1 of the printed bill, delete lines 5 to 7, inclusive, and insert:

"

No court, administrative agency, or other governmental agency may enforce any provisions of any religious code."

Moved by: Nelson (Stace)
Second by: Hunt
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1253 AS AMENDED

Moved by: Turbiville
Second by: Nelson (Stace)
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Abdallah, Boomgarden, Kopp, Nelson (Stace), Russell, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Hansen (Jon), Killer, Tornow

MOTION: ADJOURN

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by voice vote.

Bonnie Fischer
Committee Secretary

Roger W. Hunt, Chair

